

MINUTES OF THE MALVERN CITY COUNCIL
Monday, June 14, 2021
STREAMED FROM THE MALVERN WATER WORKS OFFICE
6:30 P.M.

The Malvern City Council met for its regular monthly meeting on Monday, June 14, 2021, at 6:30 p.m. via Microsoft Teams and advertised as required by law, due to the Covid-19 Pandemic of 2020. The meeting was available for viewing live on YouTube. Mayor Weldon announced that the opportunities for attending the meeting had been advertised on the City's website (with link provided), the City's Facebook page, and in the Malvern Daily Record.

Mayor Brenda Weldon called the meeting to order. Council Member David Cross led the invocation and pledge of allegiance. Answering the roll call were Council members Mary Fraction, William Wilson, Wayne Reynolds, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Lynn Davis absent. Also present was City Clerk/Treasurer Phyllis Dial with City Attorney Cecilia Ashcraft absent.

A motion was made by Council Member Mary Fraction, seconded by Council Member David Cross to approve the minutes of the regular meeting held on May 10, 2021. Voting for the motion were Council Members Fraction, Wilson, Reynolds, Lusinger, Keenan, Cross and Stiles with Davis absent. All present voting for, motion carried, and the minutes of the previous meeting were adopted.

A motion was made by Council Member Wayne Reynolds, seconded by Council Member Peggy Lusinger, to accept the Departmental Reports as posted. Alderman Cross stated that several of the reports were not on his computer. Mayor Weldon stated that she had checked them earlier in the day and they were all there. She asked the IT Department to get with Alderman Cross on Tuesday to check his computer. Voting for the motion were Council Members Fraction, Wilson, Reynolds, Lusinger, Keenan, Cross and Stiles with Davis absent. All present voting for, and the reports were accepted.

Because Alderman Cross did not have access to the sales tax reports for May, Mayor Weldon reviewed the sales tax receipts with the Council advising them that we received an extraordinarily substantial receipt from county sales tax this past month. She noted that it was so large that we contacted DFA, and they assured us that it was correct, noting that several other cities were receiving large amounts. She stated that the money is safely deposited in county sales tax where it will remain until we are sure it is correct. Also, receipts in city sales tax are running significantly over last year's receipts and we feel that increase must be attributed to the Love's Truck Stop.

There was no old business to come before the Council.

Under new business, a motion was made by Cross, seconded by Lusinger to approve the low bid for the street preservation project for Tanner/Rolling Hills/Porter Streets in the amount of \$174,406.00 as submitted by Spa Construction Company, Inc.

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Voting for the motion were Council Members Fraction, Wilson, Reynolds, Lusinger, Keenan, Cross and Stiles with Davis absent. All present voting for, the motion carried.

A motion was made by Stiles, seconded by Fraction, to accept the bid submitted by Mid-South Communications in the amount of \$32,688.77 for the purchase of Land Mobile Digital Radios for the Malvern Police Department. Voting for the motion were Council Members Fraction, Wilson, Reynolds, Lusinger, Keenan, Cross and Stiles with Davis absent. All present voting for, the motion carried, and the bid was accepted.

A motion was made by Cross, seconded by Keenan to approve the requested water extension on Old Military Road. Mayor Weldon noted that this would be at no cost to the city and all of the proper paperwork has been signed. Voting for the motion were Council Members Fraction, Wilson, Reynolds, Lusinger, Keenan, Cross and Stiles with Davis absent. All present voting for, the motion carried, and the extension was approved.

Alderman Stiles introduced a resolution amending Resolution approving the special account for moneys received from the American Rescue Act to assist cities in recovering from the 2020 Covid Pandemic. The City Clerk/Treasurer read the resolution. A motion was made by Alderman Stiles, seconded by Fraction, to adopt the resolution. Voting for the motion were Council Members Fraction, Wilson, Reynolds, Lusinger, Keenan, Cross and Stiles with Davis absent. All present voting for, motion carried, and the resolution was declared adopted and assigned No. 08-2021.

RESOLUTION NO. 08-2021

A RESOLUTION SETTING UP THE AMERICAN RESCUE ACT ACCOUNT FOR THE CITY OF MALVERN, ARKANSAS

Mayor Weldon advised the Council that she has been working on finding a meeting place for the Council so they could begin meeting again in person. She said that the County Judge has welcomed the Council to use the courtroom in the courthouse, but there may be some issues with court running long. The family life center at the First Baptist Church is also being considered. She stated that she should have a place for them to meet by the July Finance/Agenda meeting, and she will advise them of the place as soon as possible.

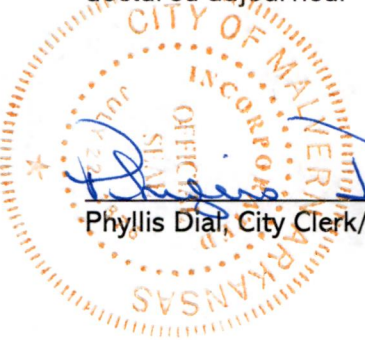
Mayor Weldon also stated that she would like a committee to review the resumes submitted for those who desire to serve on the Planning Commission. She stated that she would like for Chris Brewster, Fire Marshall and Code Officer, to serve on the committee since he works closely with the Commission. She asked for two volunteers


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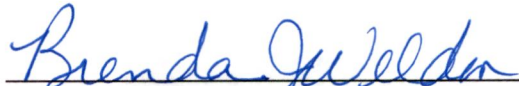
to serve alongside him. Aldermen Reynolds and Keenan will serve along with Mr. Brewster to set up a roster for appointment by the Council.

Mayor Weldon noted that construction on the new fire station is moving along. She stated that she hopes to hear this week on the updates to the plans and bid documents for the Police Station. There will be a bid opening on June 18 for the next phase of the Street Rehabilitation Project.

A motion was made by Alderman Cross, seconded by Council Member Lusinger, to adjourn. With no further business to come before the Council, the meeting was declared adjourned.




Phyllis Dial, City Clerk/Treasurer


Brenda J. Weldon, Mayor

BID SUMMARY

Tanner/Porter/Rolling Hills Street Preservation Project

The City of Malvern opened bids on Wednesday, June 2, 2021 at 2:09 p.m. in the Malvern Water Works conference room for the Tanner Street/Porter Street/Rolling Hills Road repair project. Present were Mayor Weldon and City Clerk/Treasurer Dial. One Bid was received with the result as follows:

Spa Construction Company, Inc.
PO Box 6010
Hot Springs, Arkansas 71902

\$ 174,406.00
*Project to
be completed w/in
90 calendar days
from notice to proceed.*

BID SUMMARY

Land Mobile Digital Radios for Malvern Police Department

The City of Malvern held a bid opening on Tuesday, May 25, 2021 at 10:02 a.m. in the City Treasurer's office via Teams. Present for the opening were City Clerk/Treasurer Dial, IT Coordinador Robin Halbert, Water Works Manager David Coston and Dean Habighorst, representing Mid-South Communications.

One bid was received with the results as follows:


**Mid-South Communications
Hot Springs, Arkansas 71913**


1 Motorola XPR5550e Digital Radio HHCH Package	\$ 1,271.56
23 Motorola XPR7550e VHF Digital Portable Radio	22,840.61
14 Motorola XPR5550e VHF Digital Portable Radio	12,540.50
Sub-Total	\$ 36,652.76
1 Trade-in of existing equipment	(6,800.00)
Sub-Total	\$ 29,852.76
Sales Tax	2,836.01
Total	\$ 32,688.77

All radios have a warranty period of 5 years.

**BILL OF ASSURANCES AND
PETITION FOR ONE-TIME EXCEPTION**

KNOW ALL MEN BY THESE PRESENTS;

THAT WHEREAS,  the sole owners of the following lands lying in the County of Hot Spring, State of Arkansas, hereinafter called "Property" to-wit:

Physical Address:  Old Military
See Exhibit "A" attached hereto and incorporated by reference as if stated word for word herein.

RECITALS

WHEREAS, Owner desires to receive water and/or sewer service from the City of Malvern (City) to Owner's property located outside the City limits which may not be contiguous to the existing City limits.

WHEREAS, the City is not required to extend water or sewer service to the Owner because the property is outside the present corporate boundaries of the City, and

WHEREAS, the City has established a formal policy to support quality growth in the future as expressed in Resolution No. 540, adopted 1-11-99, which, in part, permits the extension of water and/or sewer service outside the City limits under certain limited circumstances, and

WHEREAS, the extension of water and/or sewer service outside the City limits requires at a minimum the payment of a special rate for these services, and may, at the City's option, require an agreement that the Owner petition to annex its property to the City at a time deemed appropriate by the City, and

WHEREAS, Owner recognizes the enhanced benefits his land will receive by having City water and/or sewer service, and

WHEREAS, Owner now desires to freely bind himself and all future owners of the property by agreeing to voluntarily petition the City for annexation at such future time as the City deems appropriate thereby waiving any right for the Owner to avail himself of the referendum voting procedure for annexation as provided by Arkansas law.

NOW, THEREFORE, the Owner, for and in consideration of the City benefits which accrue to it, its successors and assigns, which benefit is acknowledged to be of value, hereby covenants with the City of Malvern, Arkansas as follows:

1. Owner acknowledges that a future annexation of the appraised property to the City of Malvern is a benefit inuring to the Owner and all future Owners of said property as evidenced by the receipt of City services, particularly water and/or sewer service. The Owner further acknowledges that the City has no obligation to provide water or sewer

service to non-resident consumers and chooses not to extend them except under certain limited circumstances which further the City's annexation growth plan as evidenced in Resolution No. 540. Therefore, Owner binds himself and any successors and assigns to voluntarily sign any petition for annexation when requested to do so by the City of Malvern.

2. This agreement to petition to annex is a covenant running with the land and it will remain in full force and effect until property is annexed or until it is released by a Resolution of the City of Malvern City Council.

Executed this 18 day of May, 2021.

[Redacted Signature]

[Redacted Signature]

Owner,

ACKNOWLEDGMENT

State of Arkansas

County of Hot Spring

On this day, personally appeared before me, [Redacted Signature], known to me to be the persons whose names are subscribed to the instrument within and acknowledged that they executed the same for the purposes therein contained.

Witness my hand and official seal this 18th day of May, 2021.

Nakia Jones
Notary Public

My Commission Expires: November 27, 2026

